

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

WILLIAM B. ANDERSON,

Plaintiff,

v.

S. HALBRITTER, et al.,

Defendants.

No. 2:23-CV-2260-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On August 27, 2024, the Court issued an order addressing the sufficiency of Plaintiff's second amended complaint. See ECF No. 15. The Court determined that the second amended complaint appears to state cognizable retaliation claims against Defendants Halbritter, Hutchinson, Almeida, Radu, and Saavedra, but is defective as to all other claims and defendants. See id. The Court provided Plaintiff the opportunity to file a third amended complaint or elect to proceed on the second amended complaint as to the claims identified as cognizable. See id. On September 9, 2024, Plaintiff filed a notice of voluntary dismissal and request to proceed on the second amended complaint. See ECF No. 16. Because no answer or motion for summary judgment has been filed, leave of Court is not required and Defendants Rodgers, Banks, and Covello will be dismissed on Plaintiff's notice. See Fed. R. Civ. P. 41(a)(1)(A)(i). By separate

1 order, the Court will direct service on Defendants Halbritter, Hutchinson, Almeida, Radu, and
2 Saavedra.

3 Accordingly, IT IS HEREBY ORDERED as follows:

4 1. Defendants Rodgers, Banks, and Covello are dismissed on Plaintiff's notice
5 of voluntary dismissal, ECF No. 16.

6 2. The Clerk of the Court is directed to terminate Rodgers, Banks, and
7 Covello as defendants to this action, which proceeds on Plaintiff's second amended complaint as
8 to Plaintiff's retaliation claims against Defendants Halbritter, Hutchinson, Almeida, Radu, and
9 Saavedra.

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11 Dated: September 18, 2024



12 DENNIS M. COTA
13 UNITED STATES MAGISTRATE JUDGE
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